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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/263,440 03/05/99 RYU

B 678-231-P863

EXAMINER

WM01/0924

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KNEPPER, D.

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

09/24/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/263,440

Applicant(s)

Examiner

Dc

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2 JULY 2001 (pages # 5)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10 ☐ are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10 ☐ are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Applicant's correspondence filed on 2 July 2001 (paper #5) has been received and considered.  
Claims 1-10 are pending.

**Response to Arguments**

2. Applicant's arguments against the Schwelb reference are misplaced. The elements that the  
5 applicant alleges are missing are clearly anticipated by Schwelb. The applicant is urged to read the  
reference. See, in particular, figure 3 which clearly shows a voice synthesizer 64 as part of the mobile  
station 16. The applicant is also urged to read column 1 which clearly teaches that the device can be  
used by visually impaired users. The applicant is also urged to read column 4 which indicates use in  
a vehicle for sighted persons. It is inherent that a user would not need to use their hands while  
10 exchanging audible messages to and/or from the device of Schwelb. Alternatively, it is inherent that  
when text is audibly presented, there would be no need for the user to operate the device with their  
hands as there would be to scroll through a text message. Furthermore, in column 6, lines 62-65,  
Schwelb teaches that visually impaired user is audibly made aware of sub-area change related  
information such as: entry into a new location area; a change in cellular service providers; or, a rate  
15 change for cellular calls. This notification is automatic and does not require users to manipulate  
anything with their hands. Thus, these messages are delivered hands-free.

col. 6, l 9-20  
= Short  
message  
signal  
converted  
to audible  
signal

The well known use of speech recognition in a telephone environment is addressed with Maui.  
The applicant's arguments regarding claim 5 are also misplaced. Claim 5 is radically different than  
claim 1 because it requires the use of speech recognition which is not contained in claims 1 or 8. The  
20 applicant's failure to recognize this difference is not understood.

The applicant's arguments regarding an "alarm signal" are vague. Any communications

device such as a cellular telephone is inherently capable of transmitting any kind of audible signal representing any type of information that human beings may want to communicate to one another.

In particular, the text messages that are converted by Schwelb would clearly anticipate alarm signals such as those normally transmitted by text. One could interpret the ringing of a telephone or pager (Schwelb, col. 3, lines 60-64) as alarm signals that even those of less than ordinary skill in the art would recognize.

The applicant failed to present any arguments against Klatt which indicates that the applicant acknowledges that the use of known speech synthesis techniques such as Klatt's are well known as previously set forth by the examiner.

Therefore, the applicant has failed to overcome the previous rejections under 35 USC 102 and 103 of the Office Action mailed 28 March 2001 (paper #4). The applicant is referred to paper #4, paragraphs 3-8 for the explanation of these rejections in combination with the response above.

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

5 **or faxed to:**

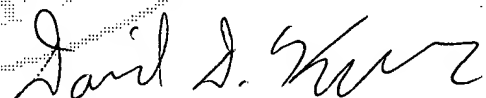
TC2600 Fax Center  
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895.

15 Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper  
Primary Examiner  
Art Unit 2645  
September 19, 2001